IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

MONDAY, THE 8TH JANUARY 2007 / 18TH PAUSHA 1928

Bail Appl..No. 141 of 2007()

ST.4013/2005 of J.M.F.C.-III,PALAKKAD
.....

: PETITIONER/ACCUSED

M.H.FAIZAL BABU,
S/O. LATE B.M.HANEEFA, 14/90,VADAKKUMURI,
KALMANDAPAM, PALAKKAD, NOW RESIDING AT 7/113,
MARUTHARODE, KOOTTUPATHA, PALAKKAD.

BY ADV. SRI.SAJAN VARGHEESE K.
SRI.LIJU. M.P

RESPONDENT: NON-PARTY

STATE OF KERALA, REP. BY
PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SHRI. JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 08/01/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V.Ramkumar, J.

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B.A.No. 141 of 2007

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Dated this the 8th day of January,2007.

ORDER

Petitioner, who is the accused in S.T.No.4013 of 2005 on the file of the J.F.C.M.-III, Palakkad for an offence punishable under Section 138 of Negotiable Instruments Act, 1881, seeks anticipatory bail.

2. Presumably due to the non-appearance of the petitioner before the said court, non-bailable warrants of arrest are pending against the petitioner. Anticipatory bail cannot be granted in a case of this nature so as to nullity the process issued by a court of competent jurisdiction. There is no reason why the petitioner should not surrender before the trial court and seek regular bail. Accordingly, if the petitioner surrenders before the Magistrate and files an application for regular bail within two weeks from today, the same shall be considered and disposed of preferably on the same date on which it is filed after considering the grievance of the petitioner that he did not receive any summons.

With this direction, this petition is disposed of.

V.Ramkumar,
Judge.

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